

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Alexis Carberry,	)	C/A No.: 0:23-4838-SAL-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Lancaster County Sheriff Office,	)	
Lancaster County Magistrate	)	ORDER
Court, SCDMV, and SCDSS,	)	
	)	
Defendants.	)	
	)	

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Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of her constitutional rights by the above-named defendants. On November 29, 2023, defendants Lancaster County Sheriff's Office and Lancaster County Magistrate's Court filed motions to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim.<sup>1</sup> [ECF Nos. 112–114]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising her of the importance of the motions and of the need for her to file adequate responses by January 3, 2024. [ECF No. 30]. Plaintiff was specifically advised that if she failed to respond adequately, the motions may be granted.

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<sup>1</sup> In accordance with Fed. R. Civ. P. 4(m), defendants SCDMV and SCDSS must be served with copies of the summons and complaint by February 14, 2024. See ECF No. 26. Plaintiff has not yet filed proof of service as to these defendants.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the defendants' motions. As such, it appears to the court that she does not oppose the motions and wishes for the court to dismiss Lancaster County Sheriff's Office and Lancaster County Magistrate's Court as parties to this action. Based on the foregoing, Plaintiff is directed to advise the court whether she wishes to continue with this case and to file a response to the motion by **January 26, 2024**. Plaintiff is further advised that if she fails to respond, the undersigned will recommend Lancaster County Sheriff's Office and Lancaster County Magistrate's Court be dismissed as defendants. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

January 12, 2024  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge